

The Court must “accept all factual allegations as true” and “construe the complaint in the light most favorable to the plaintiff . . .” *Phillips v. Cty. of Allegheny*, 515 F.3d 224, 233 (3d Cir. 2008) (citations and internal quotations omitted).

3. Pursuant to Rule 8, a claim for relief must contain “a short and plain statement of the claim showing that the pleader is entitled to relief[.]” Fed. R. Civ. P. 8(a)(2). Each averment in a complaint must likewise be “simple, concise, and direct.” *Id.* at (d)(1). A district court may dismiss a complaint *sua sponte* for failure to comply with Rule 8. *Ruther v. State Ky. Officers*, 556 F. App'x 91, 92 (3d Cir. 2014). Thus, a complaint may be dismissed when it “is so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised.” *Id.* (citation and internal quotations omitted). Here, the Complaint is dismissed *without prejudice* because it fails to state a claim.

4. First, Plaintiff claims that this is a class action under Rule 23 (ECF No. 1-1) (the “Civil Cover Sheet”)¹. Based on the face of the Complaint, there are no class action allegations.

5. Second, Plaintiff alleges “[r]etaliation . . . for reporting” defendant’s “negligence.” (*Ibid.*). There are no allegations beyond conclusory, vague, or immaterial facts to suggest that Plaintiff was retaliated against and therefore, are insufficient to “state a claim to relief that is plausible on its face.” *Ashcroft*, 556 U.S. at 678 (citation omitted); *see also D’Agostino v. CECOM RDEC*, No. 10-4558, 2010 WL 3719623, at *1 (D.N.J. Sept. 14, 2010) (Court “need not . . . credit a *pro se* plaintiff’s bald assertions or legal conclusions[.]”) (citation and internal quotations omitted).

6. Third, while Plaintiff alleges that the claims sound in personal injury, fraud, civil rights, and the False Claims Act (*see* Civil Cover Sheet), no facts pled support these claims.

¹ Plaintiff also claims there is a related case under “Docket Number 4[.]” (*Ibid.*). The Court is unable to confirm same.

7. Fourth, and finally, the Complaint appears to have been filed in response to Plaintiff's alleged "impeach[ment]" as president of Plaintiff's union (*see* Compl. at 3-4), and for being a "[w]histleblower[.]" (ECF No. 1-4 at 1). The Complaint, however, state no facts to suggest a plausible cause of action for removal of a local union leader.

8. In short, because the Complaint does not comply with Rule 8 and fails to state a claim under § 1915(e)(2)(B)(ii), it is dismissed in its entirety *without prejudice*. Plaintiff shall be given an opportunity to file an amended complaint.

For all the foregoing reasons, it is hereby,

ORDERED that the IFP Application (ECF No. 1-2) is **GRANTED**; it is further

ORDERED that Plaintiff's Complaint (ECF No. 1) is **DISMISSED *without prejudice***; it is further

ORDERED that Plaintiff may file an amended complaint within thirty (30) days of this Memorandum Opinion and Order to cure the deficiencies discussed herein; and it is further

ORDERED that the Clerk of Court shall **ADMINISTRATIVELY TERMINATE** this action subject to restoration to the active docket should Plaintiff file an amended complaint within the specified time.

DATED: 11/16/2023

s/ Julien Xavier Neals
JULIEN XAVIER NEALS
United States District Judge